

REMARKS

Claims 30-36, 38-50, and 52-58 are pending and under current examination. Applicant has amended claims 30 and 45. Support for the amendments may be found in the specification at, for example, p. 14, ll. 31-33.

Applicant traverses the following rejections in the Office Action:

(a) rejection of claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0016169 (“*Sykes*”) in view of U.S. Patent App. Pub. No. 2004/0185875 (“*Diacakis*”); and

(b) rejection of claims 32 and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* in view of *Diacakis*, and further in view of U.S. Patent No. 6,002,936 (“*Roel-Ng*”).

Rejection of Claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a):

Applicant requests reconsideration and withdrawal of the rejection of claims 30, 31, 33-36, 38-46, 48-50, and 52-58 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* in view of *Diacakis*.

The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. *See* M.P.E.P. § 2141(II)(B).

Specifically, *Sykes* does not disclose or suggest at least Applicant’s claimed “transforming said geographic data in a respective set of values of network related entities, said respective set of values being expected to be associated with a mobile terminal of said mobile

network when located in the corresponding target area and weighted by margins of measurement accuracy,” as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

In contrast, *Sykes* discloses that “each area ... is geographically defined by location data that is a function of a set of base transceiver stations” *Sykes*, paragraph [0036]. *Sykes* further discloses that “[t]he areas ... and the operating features specific to those areas ... are preferably defined by parameters entered by the user.” *Sykes*, paragraph [0038] (emphasis added). That is, the parameters related to location data and even the location data themselves (see *Sykes*, paragraph [0039]) are entered by the user of the mobile terminal. However, *Sykes* does not disclose or suggest that the location data are “weighted by margins of measurement accuracy,” as recited in amended claim 30 (and similarly in claim 45) (emphases added).

Diacakis does not cure the deficiencies of *Sykes*. For example, *Diacakis* discloses a system for monitoring the activities and/or locations of wireless units without the wireless unit user’s knowledge and/or consent. See *Diacakis*, Abstract. In *Diacakis*’ system, the location information related to a wireless unit is collected from multiple sources. See *Diacakis*, paragraph [0027] and Fig. 1, items 126-129. The location information of the wireless unit is obtained “based on the location of that wireless unit relative to one or more zones.” *Diacakis*, paragraph [0018]. However, the location information in *Diacakis*’ system is also not “weighted by margins of measurement accuracy,” as recited in amended claim 30 (and similarly in claim 45) (emphases added).

Thus, the Office Action has not properly ascertained the differences between the prior art and the claimed invention. Independent claims 30 and 45 are not obvious over *Sykes* and *Diacakis*, whether taken alone or in combination, and should therefore be allowable. Dependent claims 31, 33-36, 38-44, 46, 48-50, and 52-58 should also be allowable at least by virtue of their

respective dependence from base claim 30 or 45, and because they recite additional features not taught or suggested by *Sykes* and *Diacakis*. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claims 32 and 47 under 35 U.S.C. § 103(a):

Applicant requests reconsideration and withdrawal of the rejection of claims 32 and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Sykes* and *Diacakis*, and further in view of *Roel-Ng*.

As discussed above, Applicant has established that *Sykes* and *Diacakis*, whether taken alone or in combination, do not teach or suggest Applicant's claimed "transforming said geographic data in a respective set of values of network related entities, said respective set of values being expected to be associated with a mobile terminal of said mobile network when located in the corresponding target area and weighted by margins of measurement accuracy," as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

Roel-Ng does not cure the deficiencies of *Sykes* and *Diacakis*. For example, *Roel-Ng* discloses a system for "allowing a cellular network to determine the optimum positioning method, having knowledge of all available network-based and terminal-based positioning methods." *Roel-Ng*, Abstract. The "available" positioning methods disclosed in *Roel-Ng* include a Timing Advance (TA) value-based method (*see Roel-Ng*, col. 2, line 8 to col. 3, line 14) and a GPS-based method (*see Roel-Ng*, col. 3, lines 15-25). However, *Roel-Ng* does not teach or suggest that these methods utilize "values ...weighted by margins of measurement accuracy," as recited in amended claim 30 (and similarly in claim 45) (emphasis added).

Thus, the Office Action has not properly ascertained the differences between the prior art and the claimed invention. Independent claims 30 and 45 are not obvious over *Sykes*, *Diacakis*,

and *Roel-Ng*, whether taken alone or in combination. Therefore, dependent claims 32 and 47 should be allowable at least by virtue of their respective dependence from base claim 30 or 45, and because they recite additional features not taught or suggested by *Sykes*, *Diacakis*, and *Roel-Ng*. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

In view of the foregoing, Applicant requests reconsideration of the application and withdrawal of the rejections. Pending claims 30-36, 38-50, and 52-58 are in condition for allowance, and Applicant requests a favorable action.

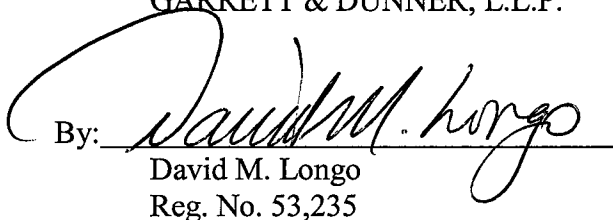
If there are any remaining issues or misunderstandings, Applicant requests that the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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